

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION
CASE NO.: 2:24-cv-1682-RMG-BM**

Jane Doe)
)
Plaintiff,) PLAINTIFF'S MOTION REQUESTING
) LEAVE TO AMEND THE COMPLAINT
)
v.)
)
Weston & Sampson Engineers, Inc.)
and Jason Roberts)
Defendants.)
)

Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, the Plaintiff respectfully requests leave to amend her complaint and file an Amended Complaint, attached hereto as Exhibit 1, in order to add additional facts to clarify Plaintiffs causes of action, based on defendants Motions to Dismiss.

Procedural Background

On April 3, 2024, the Plaintiff filed the Complaint for this action. (ECF 1). Defendant Weston & Sampson Engineers, Inc. filed a Motion to Dismiss on May 16, 2024 (ECF 7 and 7.1). Defendant Jason Roberts filed his responsive pleadings on June 7, 2024 (ECF 15, 15.1, 16, 17 and 17.1) including a Motion to Dismiss.

At this time, counsel for the Plaintiff has communicated with counsel for Defendants to seek consent to file the Amended Complaint. Counsel for Weston & Sampson has not replied, and counsel for Roberts declined consent. In an abundance of caution, given the pendency of the Motions to Dismiss, (ECF 7 and 15), Plaintiff files this Motion at this time.

Legal Standard

Rule 15(a) of the Federal Rules of Civil Procedure provides the general rules for amending pleadings. Specifically, Rule 15(a) requires that, after a responsive pleading is served, a plaintiff may amend her complaint "by leave of court or by written consent of the adverse party".

In general, leave to amend a complaint pursuant to Rule 15(a) shall be "freely" granted "when justice so requires." Fed. R. Civ. P. 15(a)(2). The matter is committed to the discretion of the district court, and the district judge may deny leave to amend "when the amendment would be prejudicial to the opposing party, the moving party has acted in bad faith, or the amendment would be futile." *Equal Rights Center v. Niks Bolton Assocs.*, 602 F.3d 597, 603 (4th Cir. 2010).

Argument

Although Plaintiff's counsel believes her pleadings are adequate, in light of the challenge to the sufficiency of the pleadings, Plaintiff believes a more definite statement of the facts may be helpful to the Court in determining the propriety of the causes of action plead.

Therefore, Plaintiff requests leave to amend, and that amendment should be granted, as justice so requires the same. Litigation has just commenced; no discovery has been performed, and amendment at this time will result in no prejudice to the Defendants.

WHEREFORE, the Plaintiff respectfully requests that in the interest of justice the Court grant the Plaintiff's Motion for Leave to Amend the Complaint.

Respectfully Submitted,

s/Jennifer Munter Stark

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June 12, 2024
Mt. Pleasant SC